

REMARKS

This Amendment responds to the office action dated July 29, 2005.

The examiner has rejected claims 1, 8-9 and 11-24 under 35 U.S.C. §102(e) as being anticipated by Mima et al (Pub. No. US20020101604) (hereinafter "Mima et al").

Claims, 1, 8-9, 15, 17 and 19-21 have been amended to more particularly point out the differences between embodiments of the present invention and the cited prior art. These claims have been amended to more clearly show that these embodiments comprise a "direct communication between a client print processor and a printing device." In some of these claims this distinction is made even more clear by expressly stating that this communication does not involve communication with a remote computer, such as a server.

While the applicant has amended claims to more particularly point out aspects of the present invention, the applicant believes that Mima et al do not disclose elements of the previous version of the claims as well as the claims as currently amended herein. Mima et al do not disclose a method for detecting the status of printers on a network using a *client* print processor, especially through the use of a direct client print processor to printing device communication. With regard to claim 1, the examiner cites Mima et al (Fig. 5, item 17; page 4, para. 42; page 2, paragraph 16 and pages 3-4, paragraph 42) as disclosing the method of claim 1, however, Mima et al, at these locations, teach a very different and much more complex system comprising multiple networked computing devices.

Mima et al teach a complex networked system with a network print monitor 17 residing on a remote computing device 7 that is separate from a client computer 3, 5 and separate from

other computing devices on which printer monitors 19a-19c run. Mima et al state (page 3, para. 39-40) that each of printer systems 1-3, which contain the printer monitors, may be a “combination of a computer and a printer or a printer incorporating a computer.” Mima et al further state (page 3, para. 40) that the network print monitor 17 is in computer 7. Accordingly, the system taught by Mima et al comprises at least three computers for a client, a network print monitor and a printer system. The applicant respectfully requests that the examiner re-evaluate this rejection based on the assertion that the “network print monitor” of Mima et al is the equivalent of the “client print processor” of claim 1. Clearly, the “network print monitor” is running on a separate computing device that is essentially a server. Claim one, as amended comprises the terms “client print processor” and “wherein said process does not access a remote computer,” which should clearly distinguish from the method of Mima et al.

With regard to claim 8, the examiner cites the same parts of Mima et al and equates the network print monitor with the same elements of claim 8 that are included in claim 1. For the reasons stated above with respect to claim 1, claim 8, as amended, should be in condition for allowance.

Claims 9 and 11-14 are dependent on claim 8 and comprise all the limitations therein. Accordingly, these claims are believed to be in condition for allowance based on the arguments set forth above in relation to claims 1 and 8.

Regarding claim 15, the examiner again cites the network print monitor of Mima et al as being equivalent to a “client print processor” that detects a printer’s status by a “direct communication with a printer.” Clearly, Mima et al teach the use of a communication from a network print monitor that is remote to the client application and which is an intermediary

between the client and the printer. Accordingly, Mima et al do not teach the method of claim 15, as amended.

Claim 16 is dependent on claim 15 and comprises all the limitations therein. Accordingly, this claim is believed to be in condition for allowance based on the arguments set forth above in relation to claim 15.

Claims 17, 19 and 20 also comprise the limitations of a “client print processor” and status detection without receiving “printer information from a remote computer.” As explained above with respect to claim 1 and other claims, these limitations clearly distinguish from the network print monitor or any other component of Mima et al.

Claim 18 is dependent on claim 17 and comprises all the limitations therein. Accordingly, this claim is believed to be in condition for allowance based on the arguments set forth above in relation to claim 17.

Claim 21 comprises the limitations of a “client print processor” and “through direct communication between said print processor and said printing devices without receiving printer information from a remote computer.” These elements clearly distinguish from the method of Mima et al as explained above in relation to claim 1 and other claims.

Claims 22-24 are dependent on claim 21 and comprise all the limitations therein. Accordingly, these claims are believed to be in condition for allowance based on the arguments set forth above in relation to claims 1, 8 and 21.

Claims 2-5 and 10 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Mima et al (Pub. No. US20020101604), in view of Snipp (US Patent 5,699,495).

These claims depend on claims 1 and 8 which now, as amended, describe methods that are clearly distinguishable from Mima et al. The combination of Mima et al and Snipp does not disclose the client print processor or direct communication limitations of these claims either. The examiner relies on Snipp to disclose a print task as a signal to a client print processor. While Snipp mentions a print task, it does not disclose sending it to a client print processor that performs printer status detection through direct communication with a printer. Accordingly, these claims should now be allowable as currently amended.

Claims 6-7 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Mima et al (Pub. No. US20020101604), in view of Schaeffer (Pub. No. US20040105122).

This combination of cited references does not disclose the "client print processor" element of the rejected claims. While Schaeffer discloses the use of SNMP to determine a printer status, these claims are still allowable for the reasons stated above in relation to claim 1 on which these claims depend.

Claims 25-26 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Mima et al (Pub. No. US20020101604), in view of Yacoub (US Patent 6,552,813).

Yacoub discloses a method of allowing the user a choice of waiting if an error signal indicates a busy printer (col. 11, lines 61-67 and col. 12, lines 1-2), however, the combination of Yacoub and Mima et al do not disclose the use of a client print processor to accomplish this task particularly through the use of a direct communication without a remote computer. Accordingly, these claims, comprising the amendments to

claim 21, are thought to be allowable in their current form for the reasons set forth above in regards to claim 21 and other claims.

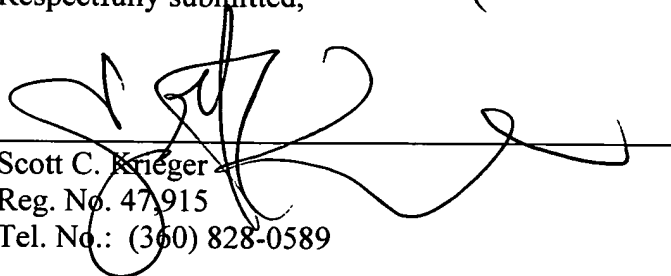
Claim 19 has also been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is improper in that it fails to recognize the useful, concrete and tangible result of the claim. 35 U.S.C. §101 precludes abstract ideas from patentability, however, claim 19, claims the act of “interpreting print task data and detecting the status of printing devices with a client print processor without receiving printer information from a remote computer.”, which are useful, concrete and tangible results of the claimed signal. A practical application of an abstract idea is patentable if it produces a useful, concrete and tangible result. *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 47 USPQ2d 1596, 1601-02 (Fed. Cir 1998).

Similar software applications have been held patentable by the Federal Circuit when those applications did no more than manipulate numbers for a useful result. *AT&T Corp. V. Excel Comm. Inc.*, 50 USPQ2d 1447, 1452 (Fed. Cir. 1999). In AT&T, the useful result was a modified long-distance telephone bill, in this application; the useful result is detecting printing device status with a client print processor. The USPTO has long endorsed this type of claim in their training guidelines for computer-related inventions. A computer data signal is typically regarded as equivalent to a computer readable medium, which is generally accepted as patentable subject matter when it comprises instructions that cause a computer to create a tangible result. Applicant hereby requests the examiner to reevaluate this rejection.

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Based on the foregoing amendments and remarks, the Applicant respectfully requests reconsideration and allowance of the present application.

Respectfully submitted,



Scott C. Krieger
Reg. No. 47,915
Tel. No.: (360) 828-0589